APPEAL NO. 022784
FILED DECEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq*. (1989 Act). A contested case hearing was held on September 26, 2002. The hearing officer determined that the appellant (claimant) was not injured in the course and scope of his employment on _____. The claimant appeals this decision and the respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant asserted that he was injured at work when lifting a 45-pound motor, but the evidence was in conflict as to whether he was not, instead, working on a 600-800-pound engine. Likewise, witnesses were in dispute as to whether the claimant reported on _____, a Friday, that he had been hurt on the job that day.

Notwithstanding some of the heated assertions in the appeal, the decision and conclusions of the hearing officer are supported by the record. The MRI report attributes some of the findings therein to the fact that the claimant had prior surgery; the small herniation observed therein at one level was reported as having no mass effect on neural structures. Spondylolysis was described as "chronic." Other disc levels were shown as having slight disc degeneration. The claimant was 40 years old. Given all this, we cannot agree that the observations made by the hearing officer, a lay person who must necessarily evaluate and interpret medical evidence in the record, are against the great weight and preponderance of the evidence.

A trier of fact is not required to accept a claimant's testimony at face value, even if not specifically contradicted by other evidence. Bullard v. Universal Underwriters Insurance Company, 609 S.W.2d 621 (Tex. Civ. App.-Amarillo 1980, no writ). An appeals-level body is not a fact finder, and does not normally pass upon the credibility of witnesses or substitute its own judgment for that of the trier of fact, even if the evidence would support a different result. National Union Fire Insurance Company of Pittsburgh, Pennsylvania v. Soto, 819 S.W.2d 619, 620 (Tex. App.-El Paso 1991, writ denied); American Motorists Insurance Co. v. Volentine, 867 S.W.2d 170 (Tex. App.-Beaumont 1993, no writ).

The decision of the hearing officer will be set aside only if the evidence supporting the hearing officer's determination is so weak or against the overwhelming weight of the evidence as to be clearly wrong or manifestly unjust. Atlantic Mutual Insurance Company v. Middleman, 661 S.W.2d 182 (Tex. App.-San Antonio 1983, writ ref'd n.r.e.). That is not the case here, and we affirm the decision and order.

The true corporate name of the insurance carrier is **ASSOCIATION CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

HAROLD FISHER, PRESIDENT
3420 EXECUTIVE CENTER DRIVE, SUITE 200
AUSTIN, TEXAS 78731.

_____
Susan M. Kelley
Appeals Judge

CONCUR:

_____
Elaine M. Chaney
Appeals Judge

_____
Gary L. Kilgore
Appeals Judge